



Report to the Auburn City Council

Action Item <div style="text-align: center; font-size: 2em;">8</div>
Agenda Item No. <div style="text-align: center; font-size: 2em;">2</div>
City Manager's Approval <div style="text-align: center; font-size: 2em;">[Signature]</div>

To: Mayor and City Council Members

From: Robert Richardson, City Manager

Date: June 8, 2009

Subject: Public Hearing to consider Levying of Assessments for Fiscal Year 2009-10 in connection with the Old Town Business Improvement District and the Downtown Business Improvement District

The Issue

Shall the City Council hold a Public Hearing before adopting a Resolution to levy assessments for Fiscal Year 2009-10 in connection with the Old Town Auburn Business Improvement District and the Downtown Auburn Business Improvement District?

Conclusions and Recommendations

Staff recommends that the City Council following a Public Hearing to receive public testimony, adopt by **RESOLUTION** the 2009-10 Levying of Assessments in Connection with the Old Town Auburn Business Improvement District and the Downtown Auburn Business Improvement District.

Background

State Law enables the establishment of Parking and Business Improvement Areas. Business improvement districts (BID) were established for the Old Town and Downtown areas, with the City Business Licensing process utilized as the collection for these assessment fees.

On April 13, 2009 the City Council declared its intention to levy and collect assessments within the Old Town BID and the Downtown BID for fiscal year 2009-10. At this meeting the City Council approved the Annual Reports from both the Old Town and Downtown BID's and adopted a Resolution of its intent to levy and collect annual assessment fees within both districts.

The City Council will hold the public hearing to hear any comments from interested persons affected by the assessment fees.

Alternatives Available to Council; Implications of Alternatives

After holding the Public Hearing to receive comments regarding the Assessment fees the City Council has the following options for the adoption of the Assessment Fee Schedule for both Old Town and Downtown Auburn Business Improvement District, thereby the City Council hereby:

1. Adopt the 2009/10 Levying of Assessments in connection with the Old Town Auburn Business Improvement District and the Downtown Auburn Business Improvement District, or

Public Hearing to consider Levying of Assessments for Fiscal Year 2009-10 in connection with the Old Town Business Improvement District and the Downtown Business Improvement District

2. Do not Adopt the 2009/10 Levying of Assessments in connection with the Old Town Auburn Business Improvement District and the Downtown Auburn Business Improvement District.

Fiscal Impact

There is no fiscal impact on the City other than the cost of public notices and of processing the collection of assessment which is billed with the business license tax at the end of June.

Attachments:

Attachment A – Assessment Fee Schedule – Old Town Auburn BID

Attachment B – Assessment Fee Schedule – Old Town Auburn BID

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RESOLUTION NO. 09-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, CALIFORNIA,
LEVYING ASSESSMENTS FOR FISCAL YEAR 2009-10 IN CONNECTION WITH
THE OLD TOWN AUBURN BUSINESS IMPROVEMENT DISTRICT AND THE
DOWNTOWN BUSINESS IMPROVEMENT DISTRICT.

WHEREAS, in 2002 this City Council established the Old Town Auburn
Business Improvement District (the "Old Town BID") and the Downtown
Business Improvement District (the "Downtown BID") as parking and business
improvement areas pursuant to the Parking & Business Improvement Area
Law of 1989 (Streets & Highways Code Sec. 36500 et. Seq.) (the "1989
Law"); and

WHEREAS, BY prior resolution the City Council declared its intention to levy
and collect assessments within the Old Town BID and the Downtown BID for
Fiscal Year 2009-10; and

WHEREAS, on June 8, 2009, the City Council held a properly noticed public
hearing pursuant to Section 36534(b) of the 1989 Law, at which all interested
persons had an opportunity to present oral and written testimony on the
proposed Fiscal Year 2009-10 levy.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY
OF AUBURN, CALIFORNIA DOES RESOLVE AS FOLLOWS:

Section 1. The City Council has considered and hereby overrules any protests
made at the June 8, 2009 public hearing.

1 Section 2. The City Council hereby finally confirms the reports entitled "Annual
2 Report for the Old Town Auburn Business Improvement District, Fiscal Year
3 2009-10" and "Annual Report for the Downtown Business Improvement
4 District, Fiscal Year 2009-10" (the "Reports"), each as originally filed in the
5 Office of the City Clerk and without change. The Reports, which are on file in
6 the Office of the City Clerk and available for public inspection, are hereby
7 incorporated herein by reference.

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9 Section 3. Pursuant to Section 36535(c) of the 1989 Law, the adoption of this
10 Resolution constitutes the levy of the assessments for Fiscal Year 2009-10 in
11 connection with the Old Town BID and the Downtown BID.

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13 PASSED, APPROVED AND ADOPTED, this June 8, 2009

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16 Mike Holmes, Mayor

17 ATTEST:

18 Joseph G. R. Labrie, City Clerk

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20 I, Joseph Labrie, City Clerk of the City of Auburn, hereby certify that the
21 foregoing resolution was duly passed at a regular meeting of the City Council
22 of the City of Auburn held on the 8th day of June 2009 by the following vote
23 on roll call:

24
25 Ayes:

26 Noes:

27 Absent:

28 Joseph G. R. Labrie, City Clerk